

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KELLY JUNE BROGAN,

Plaintiff,

-against-

TARGET CORPORATION, NORTH BERGEN
HOLDING LLC and JOHN DOE (first and last
name being fictitious and unknown),

Defendants.

Docket No.:

NOTICE OF REMOVAL

**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK:**

Defendant, Target Corporation (hereinafter “Target”), for the removal of this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, respectfully shows this Honorable Court:

FIRST: Target is the defendant in a civil action brought against it in the Supreme Court of the State of New York, County of New York; entitled:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

KELLY JUNE BROGAN,

Plaintiff,

-against-

TARGET CORPORATION, NORTH BERGEN
HOLDING LLC and JOHN DOE (first and last
name being fictitious and unknown),

Defendants.

Index No.: 153727/2022

SECOND: A copy of the Summons and Verified Complaint in this action is annexed hereto as **Exhibit “A”**. A copy of Target’s Verified Answer is annexed hereto as **Exhibit “B”**. These exhibits constitute all pleadings and orders served upon any party in this action.

THIRD: On June 24, 2022, Plaintiff entered into a Stipulation of Discontinuance with Defendant North Bergen Holding LLC. A copy of the Stipulation is attached as **Exhibit “C”**. Therefore, North Bergen Holding LLC is no longer a party to this action.

FOURTH: On June 9, 2022, Target served its initial discovery responses on Plaintiff.

FIFTH: On July 28, 2022, having not received responses to the initial discovery demands, the undersigned counsel reached out to Plaintiff’s counsel via email. Undersigned counsel inquired as to whether Plaintiff would agree to enter into a stipulation capping damages in order to keep the matter in state court. Plaintiff’s counsel responded that Plaintiff would not agree to the proposed stipulation and confirmed that the amount in controversy exceeds \$75,000. Less than thirty (30) days have passed since confirmation of the alleged damages.

SIXTH: Accordingly, it is clear that the amount of controversy in this matter exceeds \$75,000.00 exclusive of interests and costs.

SEVENTH: Plaintiff has alleged that due to Target’s negligence, she has suffered various personal injuries. *See* Exhibit A at ¶ 36.

EIGHTH: This action is one over which this Court has original jurisdiction under the provisions of Title 28, United States Code, Section 1332, and is one which may be removed to this Court by Defendant, Target, pursuant to the provisions of Title 28 United States Code, Section 1441, in that, it is a civil action brought in a Supreme Court against a foreign corporation whose principal place of business is outside of the State of New York, by a citizen of the State of New

York, with the amount in controversy exceeding the sum or value of \$75,000.00, exclusive of interest and costs.

WHEREFORE, the defendant, Target, prays that the above action now pending against it in the Supreme Court of the State of New York, County of New York, be removed from there to this Court.

Dated: New York, New York
July 28, 2022

CONNELL FOLEY LLP

By: 

MICHAEL J. CROWLEY

SAMANTHA M. DIORIO

Attorneys for Defendant

TARGET CORPORATION

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TO:

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